

First Named Inventor	Robert E. Haines
Serial No.	10/015,097
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Group Art Unit	2157
Examiner Name	El Hadji M. Sall
Confirmation No.	1532
Attorney Docket No.	10012346-1

**PRE-APPEAL BRIEF
REQUEST FOR
REVIEW**

Title: DYNAMIC MAPPING OF WIRELESS NETWORK DEVICES

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In response to the Advisory Action mailed December 11, 2007 and the Final Office Action mailed September 5, 2007, please consider the following in the Pre-Appeal Brief Request for Review:

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Interpretation of the Kuehnel et al. Reference

Appellant contends that there is clear error in the Examiner's interpretation of the primary reference (U.S. Patent No. 5,787,077 to Kuehnel et al.) as used in support of the rejection. In particular, the Examiner's interpretation of the Kuehnel et al. reference equates ATM cells with network devices. *See, e.g.*, Advisory Action, Continuation Sheet, section A. However, Kuehnel et al. clearly defines that ATM cells are communication packets transmitted by network devices, and not the devices themselves. Kuehnel et al., column 1, lines 39-44 ("An ATM cell (as the smallest information unit) includes a header field (5 bytes or octets) and a payload field (48 bytes or octets).") The Examiner has provided no reasoned statement as to how the mapping of communication packets into a communication path can depict locations of network devices relative to a reference point and provide an indication of a relative distance between the network devices and the reference point as required in Appellant's claim 1. Accordingly, Appellant contends that the rejection must fail as there is no reasonable basis for the interpretation of the Kuehnel et al. reference as used in support of the rejection.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-4 and 6-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuehnel et al. (U.S. Patent No. 5,787,077) in view of Jiang et al. (U.S. Patent No. 6,741,853). Appellant contends that several assertions upon which the Examiner relies in support of rejection are in error.

The Advisory Action equates "mapping ATM cells received on the wireless access part into a selected virtual path" with "location of devices." Advisory Action, Continuation Sheet, section A. As noted above, ATM cells are not network devices, but are communication packets transmitted by network devices. Thus, even if Kuehnel et al. could be read to map locations of communication packets, which Appellant contends is nonsensical with regard to communication packets as they have no defined physical location, there is no reasoned statement as to how the mapping of locations of communication packets would teach or suggest mapping of locations of network devices wirelessly transmitting the packets. The mapping of ATM cells clearly has no bearing on the mapping of their corresponding network devices because the ATM cells are not a

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function nor a result of the location of the device creating and transmitting the ATM cell. Appellant thus contends that the Examiner's assertion that location of devices is taught through the mapping of ATM cells is without basis, and that the Examiner has failed to make a *prima facie* case of obviousness.

In addition, there is no indication, teaching or suggestion in the cited references as to how the locations of device representations can be adapted for updating in response to changes in mapping information or otherwise. In fact, Kuehnel et al. expressly states that its virtual path, and thus its mapping information, is fixed while a mobile terminal is associated with an access point. Kuehnel et al., Abstract ("The Virtual Path identifier (VPI) used on the fixed link is selected based on the RCI assigned by the access point. The radio connection identifier RCI remains unchanged as long as the mobile terminal is associated with that access point."). Because Kuehnel et al.'s mapping information remains unchanged while its network devices are changing physical locations, Appellant contends that it has rebutted the Examiner's assertion that Kuehnel et al.'s representations of network devices depict a location of the network device relative to a reference point. Furthermore, Kuehnel et al. expressly teaches away from representations providing an indication of at least a relative distance between their respective network device and a reference point as required in Appellant's claim 1 given that Kuehnel et al.'s mapping information remains fixed even if its network devices move nearer to or farther from their reference point. As a result, Appellant contends that the Examiner has failed to make a *prima facie* case of obviousness.

Kuehnel et al.'s access points 21 do not purport to know where a mobile terminal 22 is located, but only that it is within its geographical area of communication. With reference to Kuehnel et al.'s Figure 2, the access point represented by AP 21(1) knows that the mobile terminals represented by MT 22(1) and MT 22(m-1) are both within the geographical area covered by the access point, but there is no teaching or suggestion as to whether the mobile terminal represented by MT 22(1) is closer to the fixed link 23(1) than the mobile terminal represented by MT 22(m-1). Appellant contends that the Examiner has failed to provide a reasoned statement as to how the teachings of Kuehnel et al. and Jiang et al. combine to teach or suggest representations of network devices depicting locations of the network devices relative to a reference point, wherein the locations of the representations are adapted for updating in response to changes in mapping information and wherein the representations provide an

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indication of at least a relative distance between their respective network device and the reference point. The Examiner has simply cited to sections of the reference regarding generalized network architecture or communication connectivity without relating these communication concepts to device locations.

In view of the foregoing, and as further supported in Appellant's prior responses of November 5, 2007 and June 18, 2007, Appellant contends that the primary reference of Kuehnel et al. and the secondary reference of Jiang et al. fail to teach or suggest every limitation of Appellant's claim 1 in that they do not purport to concern dynamic mapping of a wireless network comprising representations of a plurality of network devices depicting locations of the network devices relative to a reference point. The Examiner has failed to make a *prima facie* case of obviousness because several of the assertions upon which the Examiner relies in support of rejection have been shown to be in error. Appellant contends that the rejection under 35 U.S.C. § 103(a) must fail as the cited references, taken either alone or in combination, fail to teach or suggest each and every limitation of Appellant's claim 1.

Appellant thus contends that claim 1 is patentably distinct from the cited references, taken either alone or in combination. As claims 2-4 and 6-14 include all patentable limitations of claim 1, these claims are also believed to be allowable. Appellant thus respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a), and allowance of claims 1-4 and 6-14.

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CONCLUSION

In view of the above remarks, Appellant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 08-2025.

If the Examiner or the Review Panel has any questions or concerns regarding this application or request, please contact the undersigned at (612) 312-2204.

Respectfully submitted,

Date: 01-10-08


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